

A preferred embodiment of the present invention pertains to an article having a liquid pervious surface layer 2 within the wetting region 15 which comprises a hydrophilic absorbent material 16, at least at the surface of the layer which is intended to be facing the user during use, and in the remaining parts of the liquid pervious surface layer 2 is a hydrophobic liquid layer 14. It should be appreciated that the invention is not limited to any specific embodiment.

Olsen discloses a sanitary napkin 20 having a topsheet 38 which is liquid pervious, a backsheet 40 which is liquid impervious, and an absorbent core 42 located between the topsheet 38 and the backsheet 40 (See FIG. 2). The Examiner asserts that because "*Olsen* discloses that the topsheet layer may be rendered hydrophilic as set forth in col. 7, lines 52-54, it would have been obvious that the topsheet, before the addition of the surfactant, is hydrophobic."

Claim 1 recites an absorbent article having, amongst other features, a liquid-pervious surface layer within the wetting region which comprises a hydrophilic *absorbent* material, at least at the surface of the liquid-pervious surface layer which is *intended to be facing the user during use*, and that remaining parts of the liquid-pervious surface layer comprises *a hydrophobic material*.

The absorbent article recited in independent claim 1 includes a liquid-pervious surface layer which contains a portion which comprises a *hydrophilic absorbent material* and a portion which comprises *hydrophobic material*. In contrast, *Olsen* merely discloses the top sheet 38, which is liquid-pervious, comprising one unitary portion. (see Fig. 5) That is, *Olsen* only discloses that **all** of the top portion 38 is hydrophilic at best. Assuming

arguendo, that Examiner's assertion that "since *Olsen* discloses that the topsheet layer may be rendered hydrophilic... it would have been obvious that the topsheet, before the addition of surfactant, is hydrophobic" is true, *Olsen* still would fail to disclose that the top sheet has two separate portions, one of which is hydrophilic and one which is hydrophobic as recited in claim 1.

Olsen does disclose that the topsheet may be rendered "hydrophilic" but fails to state that the topsheet is also **absorbent** as recited in claim 1. The only absorbent layer disclosed in *Olsen* is the absorbent core 42 which is the layer located below the topsheet 38. In contrast, claim 1 recites that there is a hydrophilic absorbent as part of the liquid pervious surface layer located above the absorbent body.

Claim 1 provides an absorbent article wherein liquid is able to penetrate through the hydrophilic absorbent material and at the same time is absorbed. Thus, the claimed invention provides a surface that remains wet after wetting, within the wetting region and facing the user during use, because of the hydrophilic absorbent material having the ability to absorb and retain a portion of the liquid. The present invention provides an absorbent article which will not irritate the user's genital region caused by the user's dry skin rubbing against the dry material of the absorbent article.

In contrast, the topsheet 38 disclosed in *Olsen* does not **absorb** liquid, nor is it desirable, as a dry surface against the wearer's skin is desired. In fact, *Olsen* discloses that "the topsheet 38 should further exhibit good strikethrough and a reduced tendency to rewet, permitting bodily discharges to rapidly penetrate it and flow toward the core 42, but not

allowing such discharges to flow back through the topsheet 38 to wearer's skin." (See col. 6, lines 62 to col. 7, line 4)

Dependent claims 2-6, 9 and 13-15 include the allowable features of independent claim 1 and further add additional features as recited therein. Thus, claims 2-6, 9 and 13-15 are not rendered anticipated by *Olsen* and also are in condition for allowance.

On pages 5-6 of the Office Action, claims 7 and 8 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Olsen* and further in view of U.S. Patent 5,449,352 to *Nishino et al (Nishino)*. The rejection is respectfully traversed.

Nishino fails to remedy the deficiencies of *Olsen* in disclosing the features of independent claim 1. Thus, claims 7 and 8 include the allowable features of claim 1 and include additional features as recited therein. Thus, claims 7 and 8 are not rendered obvious by the applied references.

In view of the foregoing, Applicant's respectfully submit that the present application is in condition for allowance, and prompt notice of the same is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Rouzbah Tabaddor
Rouzbah Tabaddor
Registration No. 45,312

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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